

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRAND MARKETING GROUP, LLC *doing*
business as THERMABLASTER,

Plaintiff,

12cv1572

ELECTRONICALLY FILED

v.

INTERTEK TESTING SERVICES NA, INC.
doing business as INTERTEK TESTING
SERVICES

Defendant.

Verdict Slip

I. Plaintiff's Two Claims/Causes of Action

1. Did the Defendant, Intertek Testing Services NA ("Intertek") fraudulently misrepresent itself to Plaintiff, Brand Marketing Group ("Brand")?

YES

NO

2. Did Intertek negligently misrepresent itself to Brand?

YES

NO

3. If you answered "yes" to either or both of Verdict Questions No. 1 – 2, regarding liability of Intertek to Brand, please state the total amount of damages sustained by Brand, without duplicating the damages, as follows:

a. Compensatory Damages (to compensate Brand for harm caused by Intertek pursuant to Verdict Questions 1-2)

(1) Past Damages - \$ _____

(2) Future Damages - \$ _____

b. Punitive Damages - \$ _____

II. Defendant's Three Counterclaims/Causes of Action

A. First Counterclaim/Cause of Action

4a. Did Brand infringe upon the intellectual property trademark rights (ex. Intertek's ETL Listed Mark) of Intertek under the Lanham Act?

YES NO

4b. If you answered "yes," to Verdict Question Number 4a, answer the following question: Was the infringement willful (meaning deliberate, fraudulent, and/or malicious)? If you answered "no" to Question Number 4a, please do not answer Question Numbers 4b and 4c, and proceed to Question Number 5a.

YES NO

4c. If you answered "yes" to Verdict Question Number 4a, regarding liability of Brand to Intertek on the trademark infringement claims under the Lanham Act, please state the total amount of damages sustained by Intertek, without duplicating the damages, as follows:

1. Compensatory Damages (to compensate Intertek for harm caused by Brand under Verdict Question Number 4a).

- (a) Past Damages - \$_____
(b) Future Damages - \$_____

B. Second Counterclaim/Cause of Action

5a. Did Brand fraudulently misrepresent itself to Intertek?

YES NO

5b. If you answered “yes” to Verdict Question Number 5a, regarding liability of Brand to Intertek on the fraudulent misrepresentation counterclaim, please state the amount of damages sustained by Intertek, without duplicating the damages as follows:

1. Compensatory Damages (to compensate Intertek for harm caused by Brand under Verdict Question Number 5a).

(a) Past Damages - \$ _____

2. Punitive Damages - \$ _____

C. Third Counterclaim/Cause of Action

6a. Did Brand fraudulently conceal information from Intertek?

YES

NO

6b. If you answered “yes” to Verdict Question Number 6a, regarding liability of Brand to Intertek for fraudulently concealing information, please state the total amount of damages sustained by Intertek, without duplicating the damages, as follows:

1. Compensatory Damages (to compensate Intertek for harm caused by Brand pursuant to Verdict Question Number 6a).

(a) Past Damages - \$ _____

2. Punitive Damages - \$ _____

SO SAID BY ALL

Dated: _____

Signed by all jurors:

